

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

v.

[1] WANDA VÁZQUEZ GARCED,
[2] JULIO M. HERRERA VELUTINI,
[3] MARK T. ROSSINI,
Defendants.

CRIMINAL NO. 22-342 (SCC)

UNITED STATES MOTION TO CLARIFY DEFENDANTS' REQUEST FOR EXTENSION
AND COURT'S CONSIDERATION OF MAGISTRATE'S MEMORANDUM AND ORDER

On March 12, 2025, United States Magistrate Judge Ramos-Vega issued a Memorandum and Order (ECF No. 819) denying Defendant Herrera's Motion to Compel the Government to Identify *Brady* Material (ECF No. 662) and Defendant Rossini's Motion to Compel Identification of *Brady*, *Jencks*, and *Giglio* Materials in Discovery (ECF No. 755). Defendants Rossini and Herrera have requested an extension of time to file and objection to this Memorandum and Order and the government has no objection to the extension of time. In their request for the extension, however, the defendants have misstated the standard of review of that will apply to the Magistrate's Order. (ECF No. 830 "counsel have been diligently working on the objections...for the Court's de novo review.") The government files this motion to clarify the record.

Both motions filed by the defendants are nondispositive motions, as that term is defined in Federal Rule of Criminal Procedure 59. As such, the Magistrate Judge's Order must only be disturbed if his findings are "contrary to law or clearly erroneous." Fed. R. Crim. P 59(a); 28 U.S.C. § 636(b)(1)(A) ("A judge of the court may reconsider any pretrial matter...where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law."). This standard of review "requires the district judge to accept the factual findings and conclusions of the

magistrate unless, after reviewing the entire record, the district judge has a ‘strong, unyielding belief that a mistake has been made.’” *United States v. DeAraujo*, 471 F.Supp.3d 382 (D. Mass. 2020) (quoting *Green v. Cosby*, 160 F.Supp.3d 431, 433 (D. Mass 2016)). This standard differs from that of dispositive motions, which are governed by Fed. R. Crim. P. 59(b) and 28 U.S.C. § 636(b)(1)(B) & (C).

Accordingly, the government requests that the Court take notice of the foregoing to ensure the government has preserved its assertion on the appropriate standard of review of the Magistrate’s Memorandum and Order.

I hereby certify that on this date, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will notify all counsel of record.

RESPECTFULLY SUBMITTED, this 31st day of March, 2025.

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